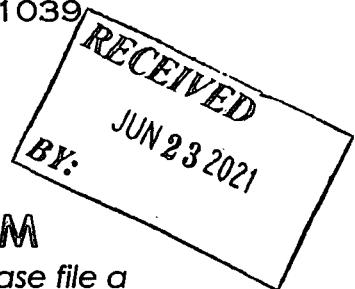


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1 PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: June 23, 2021 Case Number: 21-157

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Driggers

Premise Name: Avian & Exotic Animal Clinic

Premise Address: 1911 S Lindsay Rd

City: Mesa State: AZ Zip Code: 85204

Telephone: (480) 706-8478

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Karee Kudebeh

Address: [redacted]

City: [redacted] State: [redacted] Zip Code: [redacted]

Home Telephone: [redacted] Cell Telephone: [redacted]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Thunder
Breed/Species: Rex Rabbit (Pure Breed)
Age: 7 Sex: Male Color: Black

PATIENT INFORMATION (2):

Name: N/A
Breed/Species: N/A
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.
Dr. Driggers & the assisting staff members of the facility.
I do not have their personal information.

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

N/A
I was the only one there at the time of this vet visit.

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: _____

Date: _____

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

It was an okay experience at first, the people were too busy to be overly friendly, but they squeezed me into their schedule for an emergency appointment, so I overlooked their lack of welcomeness. I was very emotional since my rabbit (Thunder) was in pain and not very responsive to anything. They took me back to a treatment room and took Thunder to the back area to assess his injury. Dr. Driggers came into the treatment room and spoke to me in a monotone voice about only 1 option of treatment. I did not receive ANY other treatment options or suggestions. He then vaguely & monotonely explained the condition of my rabbit & proceeded to tell me the treatment he thinks Thunder will need. Of course I love my rabbit so I am willing to agree to any treatment to save his life. Dr. Driggers did NOT inform me in detail of my rabbits' likelihood of survival or the severity of his wound and condition. Again, he was very vague when telling me my rabbits' condition; he made it seem like it was a minor injury and that Thunder would be just fine in a few days after treatment. I agreed to the treatment and right away they requested ALL payment upfront. Of course I agree; my instincts and judgement were clouded due to my emotional, distressed state of mind. All I was concerned about was my rabbits' well-being. I left the facility at about 10:00am on 4/23/2021.

I went about my day as if my rabbit would be just fine because that's what the Veterinarian Dr. Driggers and his staff were telling me. I went to work & carried on with my day and it was about 1:00pm when I was on my break & noticed I had not heard an update from the vet about how my rabbit was doing. I gave them a call and got their voicemail, so I left a message. They finally called me back around 2:30pm, but I could not answer due to being at work. They left a vague message to call them back for an update. The facility and I played a bit of "phone tag" until I finally got through to them after hours at 6:00pm. The receptionist put Dr. Driggers on the line to speak to me for an update.

He told me my rabbit had died about 20 minutes after I dropped him off at their facility that morning (10am). They did NOT even attempt to contact me to tell me the news until 2:30pm. Dr. Driggers gave me the news in a cold and monotone voice; He was NOT compassionate or empathetic in any way. This makes me suspicious that Dr. Driggers knew my rabbit wasn't going to live and that he only gave me false hope to charge me \$1,300.40 for their services. I strongly feel as if I was taken advantage of in an emotional state. I feel lied to and I feel as if Thunders' life was not taken seriously.

Since this incident, I have lost sleep and slipped into depression. Had Dr. Driggers just told me my rabbit was too far gone, I would have gotten the chance to say my goodbyes and get some closure. Now i will never get that chance & my rabbit died alone with people he did not know. I have tried on numerius occasions to get a refund and an apology letter from the facility, but they have not been responsive at all. The payment I have given them is on my credit card collecting interest and I'm still losing sleep an happiness over this issue.

When I picked up Thunders' ashes, the stff was cold and cruel; and the carrier I brought him in initially was given back to me all dirty. They only tried to talk money with me and they were again, not compassionate or caring at all. I left the facility a review on their google profile & that's when Dr. Driggers attempted to call me and act compassionate about the situation. I still have not received ANY sort of refund or apology for the way my rabbit and I were treated.

May 6, 2021

Karee Kudebeh

Avian & Exotic Animal Clinic

ATTENTION: Dr. Driggers

1911 S Lindsay Rd, Mesa, AZ 85204

Re: Customer Complaint

Dear Dr. Driggers,

I am still grieving over the loss of one of my ‘children’ after the sudden death of Thunder at your office on 4/23/2021. I have had some time to think about everything since his passing and I must tell you that I am very upset and unhappy by the way I was treated by your office. I am taking the time to write this letter to express to you my complaints.

1) Based on your experience and initial observations of Thunder, you should have known and realized he had a poor prognosis and wasn’t likely to live. I wish you would have taken the time to explain to me a possible likelihood of success in saving him and the quality of life he may have (if he had he survived) before I was asked to pay \$1,304.40.

When inspecting Thunder, a 7 year-old obese male rabbit, you observed the following:

- His lips were blue/purple and hazy
- He was in a depressed state
- He had roughly 100 “mature” maggots
- He had “silver dollar sized” skin lesions on both legs
- Based on the maturity of the maggots, Thunder was likely septic

2) With the above observations noted, you did not discuss with me the options I had: to try and save him or to euthanize him and have a proper goodbye. Instead, I was led to believe there was a good chance he would be saved and that I should pay \$1,304.40 to cover all services and the leftover would be returned. I was not even given a receipt for the payment.

3) I was not called until 4 hours passed (at 2:30pm) when apparently Thunder died at approximately 10:30am. The excuse that you didn’t want to call me because I was driving is nonsense. I would have pulled off to the side of the road. I am very hurt that I was not immediately notified as I lost the opportunity to be there with Thunder for his last moments and say goodbye.

4) Every person I have spoken with from your office since his death has only asked me about money. While I understand you are a professional and there is an expectation that you will be paid for your service, I feel your office has been very aggressive to collect money from me and has not been sympathetic or have had my best interest at heart.

I am very bothered by this because my pets are my world & the only immediate ‘family’ I have in Arizona. I really feel like I was taken advantage of during my heightened emotional state and was not given all the best information that was known (or should have been known by you) at the time to make the best and most sensible decision under the circumstances.

In light of the above, I respectfully demand a full and complete refund of my money along with a formal apology for the way I have been treated.

Sincerely,

Karee Kudebeh

RECEIVED
JUL 08 2021
BY: JR

Case 21-157 Karee Kudebeh
Dr. Driggers Case summary

The pet steward Karee presented Thunder on an emergency basis for extreme lethargy and a strong smell. Thunder was an indoor/outdoor bunny that was taken to the treatment area by the technician where we triage emergency patients. As an SOP with COVID protocol, the masked client Karee, was escorted to an exam room. Upon examination of Thunder, it became clear the odor was coming from the inguinal area where maggots were moving in and out of full-thickness openings. The skin was excoriated with feces and urine. An oxygen-enriched heated incubator was provided to Thunder. I, the attending clinician, joined the client in the exam room to discuss the patient's serious condition. The client was emotional, as exhibited by tears and a shaky loud and concerning volume and tone. One of the first things she stated was, "Have I killed my rabbit?". I found myself consoling her and attempting to communicate my concern through her emotion. Just as she said, I remained calm, and I felt compassionate but forthright. I told her that I have treated rabbits successfully for maggots and would attempt to do so for him if desired. We also needed (long-term) to focus on the patient's being significantly overweight (the cause of the flystrike (diarrhea) and the inability to self-care), not just the fly larvae themselves. It was evident by both her emotions and her verbal "Do anything you can do to save him" that we would write a care plan that reflected her desire to treat him, though euthanasia was also an option considered and discussed.

The care plan offered was signed. The patient was treated immediately with a warming disk and oxygen while the larvae were manually removed. We took pictures and videos of the left side of the inguinal area, but the right side had even more maggots. The ordinarily thin scrotal skin was friable, muscle tissue was exposed, and the scrotal tunic possessed a hole that larvae may have been moving in and out of that opening. Half a Capstar capsule was crushed up and placed in the wound, and approximately 100 maggots were either removed or dying. We placed Thunder in the incubator and created a treatment sheet.

Approximately 20 minutes (more than an hour after treatment began) after the wound/larvae management, Thunder went into some irregular breathing pattern; he was placed on masked oxygen and given an IV catheter for fluids. Ms Kudebeh had a signed resuscitate status, so we began those procedures. His dyspnea worsened, and he quickly turned agonal. The heart rate dropped and was irregular. A 3.0 non-cuffed endotracheal tubed sheathed rigid scope was utilized to attempt intubation. Large volumes of tarry food material, blood, and small sticks were visualized in the mouth with attempted removal. Upon attempting to intubate, that same tarry debris in the mouth was also seen in the trachea. After being unable to clear the airway due to the debris, our CPR team stopped. Rabbits' stomach anatomy is such that they cannot vomit except as a fatal event if their stomach rips at the glandular cardia. Therefore, the cause of death was not the maggots but the stomach rupture itself.

After his death, I directed my staff not to call her until I could be reasonably confident she had reached her final destination, concerned for her mental health and physical safety.



I attempted to reach her twice when I thought she had reached her destination and left a message we needed to discuss Thunder's condition. (In my opinion, it is unprofessional to leave a message for such a sensitive subject as a patient's passing) When we did talk on the phone, the first thing that I asked her was where she was (to ensure she was in a safe place); then, I told her the news of Thunder's passing. She immediately began cussing and an emotional rant captured by what she wrote in the complaint. She asked me, "What the fuck am I supposed to do with my other mean fucking rabbit". A diagnostic necropsy for Thunder was offered and declined. The conversation ended as her emotional state precluded effective communication. As she was both rude and irrational with my staff over the next couple of days, I followed up the call and talked to her partner, explaining what transpired in detail in Thunders' passing. He stated he understood much better both what happened and that he would attempt to "relay and calm" Karee down with the information. A diagnostic necropsy was offered to Karee that day and her partner the following Monday upon that discussion.

The imperfect practice of medicine requires self-reflection. We appreciate the opportunity to learn from any circumstance to become a better staff and veterinary service. While I was

confident that diagnostic necropsy would have revealed a gastric rupture, I would have been curious to learn what other co-morbidities were occurring.

The bottom line is that Thunder was morbidly obese. While the cause of death cannot be determined without a necropsy, I suspect he had fatty liver and gastrointestinal issues, including diarrhea and likely gastric rupture, were primary. To many clients, food is love. Obese bunnies cannot effectively clean themselves. Diarrhea (usually from sugar-laden treats) attracted the flies and I can only assume Thunder had not been closely observed for diarrhea for 3-4 days after the flystrike. Certainly, the larvae and associated infection were contributory. It is also possible we may have been dealing with the RHDV2 virus that causes acute death without signs, and flies can transmit the virus to rabbits by having fed on an infected wild rabbit. We are dealing with a rabbit pandemic in the exotic animal medicine world inside the COVID pandemic. With the assistance and approval of the state veterinarian, our office has ordered and distributed over \$17,000 dollar's worth of imported vaccine from Spain to deal with this viral pathogen.

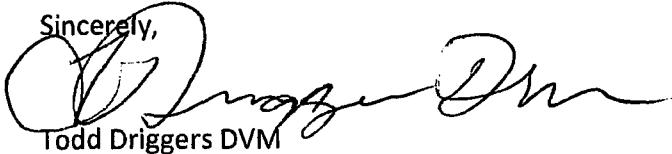
We have attempted to refund the remaining amount from the estimate as indicated by the communications records by the receptionist and office manager on many occasions. The client has not helped us with her poor coping skills, anger management, and social media bullying. She posts, reposts and shares her opinions freely online with Facebook, Google, etc. I was unaware of this for weeks and to the extent until the staff expressed concern that she was trying to sully our reputation. I am a little fearful for my staff because I cannot pinpoint the logical conclusion to get her through the grieving process. I am not sure what her psychological history is, but I suspect she may benefit from other professionals.

I am very proud of what we did to help her beloved pet and tell you that I would change nothing that we did medically. I also do not feel the failure to communicate was a result of attempts on our behalf. I can also proudly tell you that I am the president-elect for the Association of Exotic Mammal Veterinarians and committed to the highest quality in medicine and ethics in this profession.

I only wish we had seen the client and patient before and established a veterinary client relationship whereby we spend time discussing preventive medicine by vaccination and nutritional education. We have collectively failed to help her understand what happened after the fact.

Thank you so much for being so committed to the profession and to the public by the investigation, ensuring the standard of care for this profession.

Sincerely,



Todd Driggers DVM

v3

Douglas A. Ducey
- Governor -



Victoria Whitmore
- Executive Director -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. Adams Street, Ste. 4600, Phoenix, Arizona 85007

Phone (602) 364-1-PET (1738) * FAX (602) 364-1039

vetboard.az.gov

INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Justin McCormick, DVM
Gregg Maura
Steven Dow, DVM - **Recused**

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Sunita Krishna Cairo – Assistant Attorney General

RE: Case: 21-157

Complainant(s): Keree Kudebeh

Respondent(s): Todd Driggers, DVM (License: 3285)

SUMMARY:

Complaint Received at Board Office: 6/23/21

Committee Discussion: 12/14/21

Board IIR: 1/19/22

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018

(Lime Green); Rules as Revised

September 2013 (Yellow)

On April 23, 2021, "Thunder," a 7-year-old male Rex rabbit was presented to Respondent on emergency. Respondent evaluated the rabbit; maggots were discovered around the vent and scent sacs and necrosing skin of the remnant scrotum. Complainant was advised of the findings and presented with an estimate for care, which she approved.

Shortly after Complainant left the premises, the rabbit went agonal, CPR was initiated but was unsuccessful.

Respondent contacted Complainant to inform her of the rabbit's passing.

Complainant was noticed and appeared.

Respondent was noticed and appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: Keree Kudebeh
- Respondent(s) narrative/medical record: Todd Driggers, DVM
- Witness(es) statements: Avian & Exotic Animal Clinic staff

PROPOSED 'FINDINGS of FACT':

1. On April 23, 2021, Complainant called Respondent's premises and reported her rabbit was having an emergency. The premises accommodated Complainant and got the rabbit in to be seen. Complainant reported that the rabbit was lethargic, had red genitalia, did not want to move, was breathing slowly, and had a foul smell.
2. Upon arrival, premises staff met Complainant at the door. Complainant was visibly upset and began to cry; she proclaimed that she was a horrible pet owner for not recognizing the rabbit's condition. She had used a washcloth to clean him that morning and noticed maggots on the washcloth. The rabbit was taken into the treatment area for evaluation. He had a weight = 4.4kg, a temperature = 99.2 degrees, a heart rate = 200bpm, an a respiration rate = 52rpm.
3. Technical staff triaged the rabbit and was able to quickly and easily identify maggots surrounding the genitalia and infesting the scent gland cavities. Respondent and staff worked on removing the maggots from the rabbit – the rabbit was then placed on oxygen in a warming incubator due to the muddy gum color. Respondent let staff continue working on the rabbit while he went to speak with Complainant.
4. Respondent discussed the findings with Complainant. She explained that the rabbit was an indoor/outdoor rabbit and was unsure if the rabbit had a RHDV2 vaccine. According to Respondent, Complainant asked if she had killed her rabbit. He calmly explained that he has treated rabbits with maggots and would attempt to do so if she desired. Additionally, Respondent discussed long-term care; the rabbit was overweight and was unable to care for himself. Complainant wanted Respondent do to anything he could to save the rabbit. Respondent had staff present an estimate for care to Complainant.
5. Technical staff discussed the care plan with Complainant; she went over in detail how bad the maggot infestation was and that they were eating away at the musculature of the right leg. Multiple rounds of wound care would be required while the rabbit was hospitalized as well as IV fluids and oxygen therapy due to his color. Complainant approved the treatment plan and authorized CPR if needed.
6. Respondent continued treatment of the rabbit, took pictures and videos of the left side of the inguinal area. However, the right side had more maggots than the left. The ordinarily thin scrotal skin was friable, muscle tissue was exposed, and the scrotal tunic possessed a hole that larvae may have been moving in and out of the opening. Half a Capstar capsule was crushed up and placed into the wound and approximately 100 maggots were either removed or dying.
7. After wound care and maggot removal, the rabbit had some irregular breathing. He was placed on an oxygen mask and an IV catheter was placed. Normosol-R 16mLs/hr was started.

The dyspnea worsened and the rabbit became agonal; the heart rate dropped and became irregular. Technical staff heard the rabbit vocalized and began to seize - resuscitation efforts were initiated. At the direction of Respondent, midazolam was administered IV.

8. Intubation was attempted when it was noted that a large amounts of tarry food material, blood, and small sticks were in the mouth - removal was attempted. The same tarry debris was also seen in the trachea. The rabbit was also administered epinephrine and atropine. Respondent and his team was unable to clear the airway due to the debris, therefore CPR was stopped. Due to Complainant having just left a short time again, staff ran out to the parking lot to see if they could catch her. She was gone.

9. Respondent elected to not call Complainant to tell her about the rabbit's death until he could be confident that she had reached her final destination. He was concerned for her mental health and physical safety. That day, Complainant and Respondent kept missing each other's calls. When Respondent was able to speak with Complainant she was emotional and using foul language. He offered a necropsy was offered and declined.

10. Office manager, Ms. Orenstein, stated that over the next few days multiple attempts were made to refund the portion of Complainant's deposit that was owned back to her. Each time Complainant refused to allow them to process the refund back to her credit card – they did not have her credit card on file; they needed her permission and to obtain her card number to issue a refund.

11. On April 26, 2021, Respondent spoke with Complainant's partner, Mr. Herman, to discuss the death of the rabbit. According to Respondent, Mr. Herman understood much better of what occurred and would attempt to relay the information to Complainant. A necropsy was offered and declined. An individual cremation was performed.

12. Respondent stated in his narrative that rabbit's stomach anatomy is such that they cannot vomit except as a fatal event if their stomach rips at the glandular cardia. Therefore, the cause of death was not the maggots but the stomach rupture itself. Respondent suspected that the rabbit had fatty liver and gastrointestinal issues, including diarrhea and likely gastric rupture.

13. Complainant believes Respondent gave her false hope so he could charge her \$1300 for their services. Furthermore, Respondent was not compassionate or empathetic, making Complainant suspicious Respondent knew her rabbit was not going to live. She was also upset that Respondent waited to call her with the news that her rabbit had passed away. Complainant stated that she attempted numerous times to get a refund and an apology letter from the premises, but they have been unresponsive.

COMMITTEE DISCUSSION:

The Committee discussed that the rabbit was in poor shape when presented and the

prognosis was very grim. The medical care and treatment that was provided was appropriate.

The Committee agreed with Respondent waiting to call Complainant with the news that the rabbit had died. Complainant had been upset and felt guilty for the condition of the rabbit when she arrived at the premises therefore ensuring Complainant was in a safe place before giving her the news was appropriate. This was the first visit with Respondent – they did not have a previously relationship.

Additionally, the Committee commented that it is not uncommon for practices to collect fees prior to services being provided. There were services that were provided to the rabbit therefore it was reasonable that Respondent did not refund the full amount of money paid. However, they did attempt to refund the money that was not used after the rabbit passed away.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division